

HOUSE BILL NO. 42

INTRODUCED BY G. MASOLO

BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION AND THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT RECOGNIZING EXCELLENCE IN TEACHING BY PROVIDING ANNUAL ONE-TIME PROFESSIONAL STIPENDS TO TEACHERS WHO OBTAIN CERTIFICATION FROM THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS; ~~PROVIDING AN APPROPRIATION;~~ AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Professional stipends for teachers certified by national board for professional teaching standards. (1) Pursuant to subsection ~~(9)~~ (4), a ONE-TIME stipend of \$3,000 must be

provided ~~annually~~ to each teacher who obtains certification from the national board for professional teaching standards, ~~for a period of 10 years after the teacher obtains the certification,~~ if the teacher is:

(a) a full-time classroom teacher, librarian, or other full-time employee serving in an assignment covered by national board certification assessment;

(b) certified to teach in Montana under the provisions of 20-4-103; and

(c) a full-time employee of:

(i) a Montana public school district, as defined in 20-6-101;

(ii) an education cooperative, as described in 20-7-451; ~~or~~

(iii) the Montana school for the deaf and blind, as described in 20-8-101; OR

(IV) A STATE YOUTH CORRECTIONAL FACILITY, AS DEFINED IN 41-5-103.

(2) A teacher is eligible for the stipend in the school year beginning July 1 after the teacher obtains certification from the national board for professional teaching standards. ~~The teacher is eligible for a stipend in each subsequent year, up to a total of 10 years, if the teacher meets the conditions of subsection (1).~~

~~——— (3) By February 1, each school district that employs a teacher who is eligible for a stipend under subsection (1) shall submit a request to the superintendent of public instruction for a stipend payment.~~

~~The request must be made on a form prescribed by the superintendent of public instruction and must~~

document that the teacher meets the criteria established in subsection (1) for the current school fiscal year.

~~(4)(3)~~ By March 1, the superintendent of public instruction shall distribute stipend payments to each school district that has requested and been approved for funding for its qualifying employees. The district shall deposit the money in the miscellaneous program fund of the district.

~~_____ (5) The school district shall provide the stipend to the qualifying employee from the miscellaneous program fund by May 1 of the school fiscal year.~~

~~_____ (6) The employer shall deduct the employer and the employee share of any state and federal taxes and retirement contributions, including unemployment insurance and federal social security, from the stipend amount prior to payment to the employee.~~

~~_____ (7) The stipend may not be included in the calculation of same salary, as defined in 20-4-203(3), but must be included in the calculation of the average final compensation for the purposes of determining a retirement allowance under 19-20-802 or 19-20-804. The employer is not liable for any additional contributions to the teachers' retirement system, other than those listed in subsection (6), as a result of the inclusion of the stipend amount in the computation of average final compensation.~~

~~_____ (8) If, for any reason, the school district withholds the stipend from an employee during a school fiscal year, the stipend amount reverts to the superintendent of public instruction for deposit in the state general fund ELIGIBLE TEACHER.~~

~~(9)(4)~~ The obligation for funding the professional stipend is an obligation of the state. This section may not be construed to require a school district to provide a stipend to a qualifying teacher without a payment from the state to the district. If the ~~appropriation for funding~~ FOR professional stipends is less than the total amount for which Montana teachers qualify, the superintendent of public instruction shall prorate the ~~appropriation~~ FUNDING to the districts in a manner that provides the same amount of stipend to each qualifying teacher.

~~_____ NEW SECTION. SECTION 2. APPROPRIATION. THERE IS APPROPRIATED FROM THE FEDERAL SPECIAL REVENUE FUND TO THE OFFICE OF PUBLIC INSTRUCTION \$30,000 FOR FISCAL YEAR 2002 AND \$60,000 FOR FISCAL YEAR 2003 FOR THE PURPOSES OF [SECTION 1] THAT IS IN ADDITION TO ANY APPROPRIATION CONTAINED IN HOUSE BILL NO. 2.~~

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an

1 integral part of Title 20, chapter 4, part 1, and the provisions of Title 20, chapter 4, part 1, apply to
2 [section 1].

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4 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2001.

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